

**REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-59 were pending. By the present response, claims 2-4, 6-7, 9-10, 12-16, 18, 20, 22-23, 26-30, 33, 36, 42, 48, 51 and 54 have been amended, claim's 1, 11 and 24-25 canceled and claims 60-74 have been added. Thus, upon entry of the present response, claims 1-10, 12-23 and 26-74 remain pending and await further consideration on the merits.

Support for the present claim amendments can be found, for example, in at least the following portions of the disclosure: the original claims.

***CLAIM REJECTIONS UNDER 35 U.S.C. §102***

Claims 24-26, 28-30, 32-33 and 35-59 stand rejected under 35 U.S.C. §102(e) as being anticipate by U.S. Patent No. 6,333,968 B1 issued to Whitlock et al. (hereafter "*Whitlock et al.*") on the grounds set forth beginning at page 2 of the Official Action. This rejection is respectfully traversed.

Claims 24-25 have been canceled. Claims 28-30, 32-33 and 35 now depend either directly or indirectly from claim 27, which was not previously rejected as anticipated by *Whitlock et al.* Therefore, these amended claims can also not be rejected by *Whitlock et al.* Withdrawal of the rejection is respectfully requested.

Claims 26 and 36-39 now contain a feature of claim 27, which was not previously rejected as anticipated by *Whitlock et al.* Therefore, these amended claims can also not be rejected by *Whitlock et al.* Withdrawal of the rejection is respectfully requested

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

A. Claims 1, 3-6 and 9-10

Claims 1, 3-6 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Whitlock et al.* in view of U.S. Patents No. 6,256,765 B1 issued to Baptist (hereafter "*Baptist*") on the grounds set forth beginning at page 10 of the Official Action. This rejection has been obviated by the amendment to the claims at issue here, which now depend from claim 2. Withdrawal of the rejection is respectfully requested.

B. Claim 2

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Whitlock et al.* in view of *Baptist* and further in view of U.S. Patents No. 6,456,691 B1 issued to Takahashi et al. (hereafter "*Takahashi et al.*") on the grounds set forth beginning at page 11 of the Official Action. For at least the reasons noted below, these rejections should be withdrawn.

This claim rejection is traversed because the *Takahashi et al.* reference relied upon as part of the basis for the rejection does not qualify as prior art against the claim at issue here under the indicated statutory standard.

The present application is a continuation-in-part (CIP) application of application S/N 09/679,303 which was filed on October 6, 2000 (now U. S. Patent No. 6,553,096 B1 issued April 22, 2003). Applicants respectfully assert that the subject matter of claim 2 is supported by the disclosure in U. S. Patent No. 6,553,096 B1. The support can be found at least, for example, in Figures 5-8B, 11 and 13-14 and at column 5, lines 19-25, 35,38 and 45-64; column 12, lines 29-42 and 52-59; column 13, lines 29-37 and 42-43; and column 14, line 66 to column 5, line 4. Because claim 2 has the benefit of the October 6, 2000 filing date, this claim predates the critical date of the *Takahashi et al.* reference, e.g., prior to March 1, 2001.

From the above, Applicants respectfully assert that the grounds for rejection of Applicants' claim 2 is erroneous because the *Takahashi et al.* reference is not prior art. Withdrawal of the rejection is respectfully requested.

C. Claims 7-8, 11 and 13-23

Claims 7-8, 11 and 13-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Whitlock et al.* in view of U.S. Patent No. 5,377,249 issued to Wiesent et al. (hereafter "*Wiesent et al.*") on the grounds set forth beginning at page 12 of the Official Action.

With respect to claims 7 and 8, the rejection has been obviated by the amendment to the claims at issue here, which now depend from claim 2. Withdrawal of the rejection is respectfully requested.

With respect to claim 11, the rejection is moot because claim 11 has been canceled.

With respect to claims 13-23, the rejection has been obviated by the amendment to the claims at issue here, which now depend from claim 12. Withdrawal of the rejection is respectfully requested

D. Claim 12

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Whitlock et al.* in view of *Wiesent et al.* and further in view of U.S. Patents No. 6,456,691 B1 issued to *Takahashi et al.* (hereafter "*Takahashi et al.*") on the grounds set forth beginning at page 13 of the Official Action. For at least the reasons noted below, these rejections should be withdrawn.

This claim rejection is traversed because the *Takahashi et al.* reference relied upon as part of the basis for the rejection does not qualify as prior art against the present claim.

The present application is a continuation-in-part (CIP) application of application S/N 09/679,303 which was filed on October 6, 2000 (now U. S. Patent No. 6,553,096 B1 issued April 22, 2003). Applicants respectfully assert that the subject matter of claim 12 is supported by the disclosure in U. S. Patent No. 6,553,096 B1. The support can be found at least, for example, in Figures 5-8B, 11 and 13-14 and at column 5, lines 19-25, 35,38 and 45-64; column 12, lines 29-42 and 52-59; column 13, lines 29-37 and 42-43; and column 14, line 66 to column 5, line 4. Because claim 12 has the benefit of the October 6, 2000 filing date, this claim predates the critical date of the *Takahashi et al.* reference, e.g., prior to March 1, 2001.

From the above, Applicants respectfully assert that the grounds for rejection of Applicants' claim 12 is erroneous because the *Takahashi et al.* reference is not prior art against this claim. Withdrawal of the rejection is respectfully requested.

#### E. Claim 27

Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Whitlock et al. in view of *Takahashi et al.* on the grounds set forth beginning at page 15 of the Official Action. For at least the reasons noted below, these rejections should be withdrawn.

This claim rejection is traversed because the *Takahashi et al.* reference relied upon as part of the basis for the rejection does not qualify as prior art against the present claim.

The present application is a continuation-in-part (CIP) application of application S/N 09/679,303 which was filed on October 6, 2000 (now U. S. Patent No. 6,553,096 B1 issued April 22, 2003). Applicants respectfully assert that the subject matter of claim 27 is supported by the disclosure in U. S. Patent No. 6,553,096 B1. The support can be found at least, for example, in Figures 5-8B, 11 and 13-14 and at column 5, lines 19-25, 35,38 and 45-64; column 12, lines 29-42 and 52-59; column 13, lines 29-37 and 42-43; and column 14,

line 66 to column 5, line 4. Because claim 27 has the benefit of the October 6, 2000 filing date, this claim predates the critical date of the *Takahashi et al.* reference, e.g., prior to March 1, 2001.

From the above, Applicants respectfully assert that the grounds for rejection of Applicants' claim 27 is erroneous because the *Takahashi et al.* reference is not prior art against this claim. Withdrawal of the rejection is respectfully requested.

F. Claims 31 and 34

Claims 31 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Whitlock et al.* in view of *Baptist* on the grounds set forth beginning at page 15 of the Official Action. The rejection of these claims has been obviated by the amendment to the claims at issue here, which now depend from claim 27. Withdrawal of the rejection is respectfully requested.

**NEW CLAIMS**

New claims 60-74 define further features of Applicants' system, device and methods and are distinguishable over the cited documents for at least the same reason as the independent and dependent claim from which they respectfully depend.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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